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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

V.

DENIS GUTSU and MAXIM GUTSU,

Defendants.

CASE NO. 2:23-CR-0272 DAD

**STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER**

DATE: March 5, 2024

TIME: 9:30 a.m.

COURT: Hon. Dale A. Drozd

STIPULATION

1. By previous order, this matter was set for status on March 5, 2024.
 2. By this stipulation, defendants now move to continue the status conference until April 29, 2024, and to exclude time between March 5, 2024, and April 29, 2024, under Local Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

 - a) The government has represented that the discovery associated with this case includes more than 23,000 pages of credit card records, receipts, and text messages along with surveillance images and images seized from digital devices. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.
 - b) Counsel for defendants desire additional time to consult with their clients, to review the current charges, to conduct investigation and research related to the charges, to review discovery for this matter, and to otherwise prepare for trial.

1 c) Counsel for defendants believe that failure to grant the above-requested
2 continuance would deny them the reasonable time necessary for effective preparation, taking into
3 account the exercise of due diligence.

4 d) The government does not object to the continuance.

5 e) Based on the above-stated findings, the ends of justice served by continuing the
6 case as requested outweigh the interest of the public and the defendant in a trial within the
7 original date prescribed by the Speedy Trial Act.

8 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
9 et seq., within which trial must commence, the time period of March 5, 2024 to April 29, 2024,
10 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
11 because it results from a continuance granted by the Court at defendant's request on the basis of
12 the Court's finding that the ends of justice served by taking such action outweigh the best interest
13 of the public and the defendant in a speedy trial.

14 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
15 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
16 must commence.

17 IT IS SO STIPULATED.

18 Dated: February 22, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ NICHOLAS M. FOGG
NICHOLAS M. FOGG
Assistant United States Attorney

23 Dated: February 22, 2024

/s/ SHAUN KHOJAYAN
SHAUN KHOJAYAN
Counsel for Defendant
DENIS GUTSU

27 Dated: February 22, 2024

/s/ TIMOTHY ZINDEL
TIMOTHY ZINDEL
Counsel for Defendant
MAXIM GUTSU

ORDER

Pursuant to the stipulation of the parties and good cause appearing, the status conference previously scheduled for March 5, 2024 is continued to April 29, 2024, at 9:30 a.m. and time is excluded between March 5, 2024, and April 29, 2024, under Local Code T4.

IT IS SO ORDERED.

Dated: February 22, 2024

Dale A. Drozd
DALE A. DROZD
UNITED STATES DISTRICT JUDGE